

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

**IN RE:**

**CHRISTOPHER PAUL PIERCE and  
DARLENE MARIE PIERCE,**

**Debtors.**

**CASE NO. 11-04217-PMG  
CHAPTER 13**

**ORDER GRANTING DEBTORS' MOTION TO DETERMINE SECURED STATUS OF  
CLAIM TEN (10) OF GMAC MORTGAGE AND TO STRIP LIEN EFFECTIVE UPON  
DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion to Determine Secured Status of the Homestead property mortgage held by GMAC Mortgage (Claim Ten) and to Strip Lien (the "Motion") filed September 22, 2011 and said Creditor having failed to file a written response to the Motion in accordance with Rule 2002--4, Local Bankruptcy Rules, it is

**ORDERED:**

1. The Motion to Determine Secured Claim Status of Claim Ten (10) is GRANTED pursuant to 11 U.S.C. §506(a) and the mortgage lien is voided pursuant to 11 U.S.C. §506(d).
2. The value of that portion of Claim Ten (10) secured by Real Property (Homestead) is \$0.00. The balance of this claim shall be treated as unsecured.
3. The legal description of this property is as follows:

Lot 14, MAJESTIC OAKS PHASE 1, according to map in MAP BOOK 49,  
PAGES 99 through 101, inclusive, Public Records of Volusia County, Florida.
4. The mortgage held by GMAC Mortgage dated April 28, 2006, recorded at Book 5823, Pages 3993 through 4004, Instrument No. 2006-115105 # 1 of the official records of Volusia County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of GMAC Mortgage,

LLC's lien prior to the entry of the Debtors' discharge. Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DATED this 27 day of October 2011 at Jacksonville, Florida

*Paul M. Glenn*

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**PAUL M. GLENN**  
United States Bankruptcy Judge

Copies to:

Debtors, Christopher and Darlene Pierce, 227 Oak Branch Drive, Edgewater, FL 32141-3001  
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Creditor, GMAC Mortgage, Bankruptcy Dept., P.O. Box 780, Waterloo, IA 50704-0780